

**ENTERED**

September 12, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ADRIAN CAMPBELL,

Petitioner,

VS.

WARDEN G HEAD,

Respondent.

CIVIL ACTION NO. 2:21-CV-00137

## ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the Fifth Circuit’s inquiry regarding a certificate of appealability in this case. On August 16, 2022, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation (D.E. 39), recommending denial of a certificate of appealability. Petitioner timely filed his objections (D.E. 40) on August 23, 2022.


Petitioner's objections must point out with particularity any alleged error in the Magistrate Judge's analysis. Otherwise, they do not constitute proper objections and will not be considered. Fed. R. Civ. P. 72(b)(2); *Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir. 2003); *Edmond v. Collins*, 8 F.3d 290, 293 n.7 (5th Cir. 1993) (finding that right to de novo review is not invoked when a petitioner merely reurges arguments contained in the original petition).

Petitioner lists five (5) paragraphs purporting to be objections. However, each is nothing more than a conclusory statement that fails to address the substance of the

Magistrate Judge's analysis and simply disagrees with the recommendation. Because these arguments are not sufficient to invoke review and do not address the basis for the Magistrate Judge's recommendation, each objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Petitioner's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Petitioner's request for a certificate of appealability is **DENIED**.

ORDERED on September 12, 2022.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE